

## **REMARKS**

### **I. Status of Application**

By the present amendment, claims 14-15 and 28 have been amended and claims 34-39 have been added. Claims 1-39 are all the claims pending in the application. Claims 29-33 are withdrawn from consideration as being drawn to a non-elected invention. Claims 1-13, 26 and 27 are allowed. Claims 14, 15 and 28 presently stand rejected.

### **II. Formalities**

The Examiner has acknowledged Applicant's claim to foreign priority and has indicated receipt of the certified copies of the Priority Documents.

The Examiner has considered the references cited with the Information Disclosure Statements on March 11, 2004, July 29, 2004, October 19, 2004, February 13, 2006 and October 23, 2007.

The Examiner has indicated acceptance of the drawing figures filed on March 11, 2004.

### **III. Allowable Subject Matter**

The Examiner has indicated that claims 1-28 are allowed. However, the Examiner also indicates that claims 14, 15 and 28 are rejected under 35 U.S.C. § 101. Thus, Applicant assumes that this is merely a typographical error and that the Examiner indicate that claims 1-13 and 16-27 are allowed and, further, that the claims 14, 15 and 28 would be allowed if amended to overcome the rejections under 35 U.S.C. § 101.

### **IV. Examiner's Comments re the Specification**

The Examiner has included comments in the 07/31/08 Office Action reminding Applicant of the proper content of an abstract of the disclosure. However, the 07/31/08 Office Action does

not set forth any objections to the specification or the abstract of the disclosure. Further, the Office Action Summary for the 07/31/08 Office Action does not indicate that the specification is objected to by the Examiner.

Since no objections have been set forth, Applicant submits that the present specification and abstract of the disclosure are in a condition for immediate allowance.

**V. Claim Rejections Under 35 U.S.C. § 101**

Claims 14, 15 and 28 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly not supported by either an asserted utility or well established utility. Without conceding to the merits of the Examiner's rejections, Applicant has amended claims 14, 15 and 28, as set forth above. Therefore, Applicant submits that the Examiner's rejections with respect to claims 14, 15 and 28 are now moot.

**VI. New Claims**

New claims 34-39 have been added. Applicant respectfully submits that claims 34-39 are allowable *at least* by virtue of the recitations set forth therein.

**VII. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
Application No.: 10/797,062

Attorney Docket No.: Q80290

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/ Andrew J. Taska /

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

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Andrew J. Taska  
Registration No. 54,666

WASHINGTON OFFICE

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CUSTOMER NUMBER

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